

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMAAL A. MCNEIL,	)	8:13CV384
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. Plaintiff filed a Complaint in this court on December 23, 2013, without payment of the court's filing and administrative fees. As set forth in the Prison Litigation Reform Act ("PLRA"), a prisoner cannot:

[B]ring a civil action [in forma pauperis] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. §1915(g).

The following three cases brought by Plaintiff were dismissed because they failed to state a claim upon which relief may be granted: *McNeil v. Public Defender Office*, No. 4:06CV3204 (D. Neb.), dismissed on September 5, 2006; *McNeil v. City of Omaha, et al.*, No. 8:07CV145 (D. Neb.), dismissed on May 16, 2007; and *McNeil v. City of Omaha, et al.*, No. 8:07CV143 (D. Neb.), dismissed on August 26, 2008.

On the court's own motion, Plaintiff has 30 days from the date of this Memorandum and Order to show cause why he is entitled to proceed in forma

pauperis pursuant to [28 U.S.C. §1915\(g\)](#). Alternatively, Plaintiff may pay the court's \$400.00 filing and administrative fees within 30 days. In the absence of good cause shown or the payment of the court's fees, Plaintiff's Complaint and this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff has 30 days from the date of this Memorandum and Order to either show cause why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. § 1915\(g\)](#) or pay the \$400.00 filing and administrative fees. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.
2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: February 13, 2014: Deadline for Plaintiff to show cause or pay fees.

DATED this 14<sup>th</sup> day of January, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge